

**CITY OF ISSAQUAH
DEVELOPMENT SERVICES DEPARTMENT
HEARING EXAMINER**

**Staff Report
McBride Preliminary Plat**

October 31, 2013

APPLICATION: PP13-00001

PROJECT: McBride Preliminary Plat

PROPERTY OWNER: Ralph McBride/Kenneth Winslow & Celia McBride
23203/23231 SE 48th St
Issaquah, WA 98029

APPLICANT & CONTACT: Kathy Orni
Westcott Homes
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Kirkland, WA 98033

ENGINEERING: The Blueline Group
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REQUEST: Request for Preliminary Plat approval to subdivide an 8.87 acre site into 40 single-family residential lots. The proposal includes 6 tracts for common features such as wetlands, landscaping, stormwater, open space/tree retention, and roads (private access/utilities). The proposed subdivision uses the density credit calculation for critical areas in order to create lot sizes smaller than 6,000 square foot minimum lot size of the Single-Family Small Lot (SF-SL) zone.

LOCATION: The project site address is 23203/23231 NE 48th Street. The site is located in the NE ¼, NW ¼, Section 22, Township 24N, Range 6E. See vicinity map, Exhibit 2.

KC TAX PARCEL NUMBERS: 2224069006 and 2224069123

SITE AREA:

8.87 acres, 386,430 square feet

COMPREHENSIVE PLAN:

Project site is designated "Low Density Residential" in the Issaquah Comprehensive Plan. The site is located within the "North Issaquah" Subarea of the Comprehensive Plan.

EXISTING ZONING:

SF-SL (Single-Family Small Lot). The zoning allows a maximum density of 7.26 dwelling units per acre.

BACKGROUND:

February 28, 2000: The site was annexed into Issaquah as part of the North Issaquah Annexation.

April 26, 2012: Pre-application meeting (PLN12-00019).

February 5, 2013: Boundary line adjustment, REC #20130205900016

February 15, 2013: Peer review of wetland delineation and rating completed

April 16, 2013: Notice of Application and Notice of Neighborhood Meeting

May 1, 2013: Neighborhood Meeting

May 21, 2013: River & Streams Board Meeting

June 26, 2013: City code concerns letter

July 18, 2013: Applicant revised plans and information in response to code concerns

August 28, 2013: SEPA Mitigated Determination of Nonsignificance (MDNS) issued.

September 10, 2013: Applicant SEPA comment letter objecting to traffic mitigation in SEPA Determination.

September 25, 2013: Revised SEPA Mitigated Determination of Nonsignificance (MDNS) issued, removing traffic mitigation measure.

PUBLIC NOTIFICATION:

April 16, 2013: Notice of Application and Notice of Neighborhood Meeting sent to property owners within 300 feet.

August 28, 2013: SEPA Determination published in Issaquah Press.

September 25, 2013: Revised SEPA Determination published in Issaquah Press.

October 10, 2013: Property posted with sign "Notice of Proposed Land Use Action" listing date of public hearing.

October 16, 2013: Preliminary plat public hearing notice published in Issaquah press.

October 17, 2013: Notice of public hearing sent to property owners within 300 feet, people who attended the Neighborhood Meeting, and parties of record.

Affidavits of mailed notices and of legal notices in Issaquah Press are in the Preliminary Plat file, and as Exhibit 12.

PUBLIC COMMENTS:

Public comments were received after the mailed Notice of Application, and at or after the public Neighborhood Meeting and River & Streams Board meeting. The comments include concerns about the reduced lot sizes, impacts to schools, improvement of the off-site emergency access/utility easement, traffic impacts, wetland/wetland buffer enhancement, etc. All public comments received are included as Exhibit 13. Comments and staff responses are below:

- *Improvement of the existing gravel drive as an emergency access and trail would increase pedestrian traffic and this could result in trespassing, loitering, vandalism, dog waste, and noise impacts on the adjacent property to the west. The adjacent neighbor would like to see a physical barrier between the emergency access drive and their property.*

Response: The Administration recommends the following condition: The applicant shall work with neighbors to the west of the emergency access road to provide screening and/or a physical barrier to address their concerns. See Condition 4.

- *The McBride plat is compressing the density because of the critical areas but does not seem to be improving the critical area to offset the increase in the number of people. The on-site wetland is part of a much larger wetland. What is planned for the other, larger part of the wetland and how does this proposal match it?*

Response: The Critical Areas Regulations allow for density to be transferred from critical areas to developable parts of the site. SEPA mitigation measures require significant enhancement of Wetland D and the Wetland D buffer. The amount of enhancement exceeds mitigation requirements for the direct buffer impacts; in order to address indirect, cumulative impacts of the development. The enhancement would improve functions over the existing degraded conditions and is consistent with the mitigation/enhancement to Wetland D that will be provided by the Issaquah 22 subdivision that includes most of the Wetland D area. The proposal includes a trail around the on-site portion of Wetland D and provides for public access. The trail will connect to Issaquah 22 on the south, and as other properties develop the trail will eventually go around Wetland D and provide a public amenity to the neighborhood.

- *In return for lot sizes below the 6,000 SF zoning minimum, the developer should be willing to improve the degraded wetlands on the property. This would improve functions, provide wildlife habitat and make it more attractive to home buyers.*

Response: See above response.

- *Build out emergency access as a dedicated road. Control and traffic on 52nd St during construction and make a paved road to replace the gravel.*

Response: The secondary emergency access and utility easement is off-site and is not required by the Fire Department as a secondary means of access for the development. The access is also not required by City street standards. It will continue to serve as a driveway for an existing single family residence to the north of the plat. The subject plat will not use 52nd St as a construction access.

- *Lot sizes are smaller than surrounding neighborhoods. Concerned about increase in traffic volumes added to SE 48th St. Concerned about impacts of the emergency access on adjacent property.*

Response: The Critical Areas Regulations allow for density to be transferred from critical areas to developable parts of the site and for lot sizes to be reduced below the zoning minimum in order to accommodate the transfer of density. The recent Issaquah 22 subdivision located to the south also reduced lot sizes due to critical areas on the site. To address compatibility with surrounding neighborhoods, the code requires that building setbacks and impervious surface limits are met on the reduced lot sizes. See Condition 2.

The site access onto SE 48th St was evaluated in the Transportation Impact Study and it concluded the access would operate at level of service (LOS) A. To improve congestion on SE 48th St, a traffic signal will be installed at the intersection of SE 48th St and Issaquah Pine-Lake Road SE by the developer of Issaquah 22. The McBride plat will pay a pro-rata share of the signal cost.

See previous responses regarding the emergency access road.

- *Concerned about the reduced lot sizes and what is the rationale for allowing them. This rezone sets a precedent for smaller lots. Proposal will make traffic worse on SE 48th St, even with a new signal. There is already considerable traffic at the intersection of Issaquah-Pine Lake Road and the Issaquah-Fall City Road. Impacts on Issaquah School District.*

Response: The Critical Areas Regulations allows for density to be transferred from critical areas to developable parts of the site. Only a percentage of the density from the critical areas may be transferred, 90% for the subject plat. The intent of the density transfer is to provide incentives for preserving critical areas and buffers, flexibility in design, to provide consistent treatment of different development proposals, and to help achieve residential density anticipated in the Comprehensive Plan. The smaller lots are not a rezone and the maximum density of the zone (7.26 DU/Ac) is not exceeded. This provision has been in the City code since the early 1990s and many developments have reduced lot sizes where critical areas constrain the site.

The Transportation Impact Study concludes the intersection of SE 48th and Issaquah-Pine Lake Road will operate at level of service (LOS) C in the AM peak hour and LOS A in the PM peak hour with or without the project in 2016. The intersection of Issaquah-Pine Lake Road and Issaquah-Fall City Road would operate at LOS D in the AM and PM peak hours. The City's Transportation Improvement Plan (TIP) includes a project to widen the Issaquah Pine Lake Road to a 5-lane section from Issaquah Fall City Road up to SE 48th Street. This project would improve operations at the intersection, including the southbound right turn lane movement on Issaquah Pine Lake Road at the intersection with Issaquah Fall City Road. The applicant will pay traffic impact fees which will help to fund this TIP project.

The Issaquah School District plans for school capacity based on the City's planned growth in the Comprehensive Plan and Zoning.

CITY DEPARTMENT REVIEW:

Application materials have been reviewed by City staff and departments including Fire, Police, Building, Parks, Engineering, Public Works Operations, and the Sammamish Plateau Water and Sewer District. Their comments have been incorporated into this staff report, and other comments will be required during review of construction and building permits.

EXISTING SITE CONDITIONS:

The subject property is mostly in pasture. There are 2 existing single family residences and associated outbuildings, which would be removed as part of the proposal. There is a Category 2 wetland along the west edge of the site and the buffers of 2 off-site wetlands extend onto the north part of the project site.

SURROUNDING LAND USES:

North: Single family residential. 2 existing single family residences owned by the McBride family are off-site directly adjacent to the proposed plat and would remain. These parcels also have wetlands which extend onto the subject property. The proposed street entry off SE 48th would bisect the 2 off-site residences. Tremont development (City of Sammamish) is on the north side of SE 48th St

South: Single family residential. Aspen Meadows (SE 51st Pl) and Issaquah 22 (232nd Ave SE, under construction) subdivisions.

East: Single family residential. Pine View subdivision (SE 49th St).

West: Single family residential. Single family house on 33,000 SF lot adjacent to subject site.

PROJECT DESCRIPTION:

The applicant proposes to subdivide an 8.87 acre site into 40 single-family residential lots and to construct infrastructure for the residential subdivision, including; roadways, stormwater facilities, utilities, open space and critical area tracts.

The site is zoned Single Family Small Lot (SF-SL) which requires a minimum lot size of 6,000 SF. The code allows reducing the minimum lot size to accommodate the transfer of density from critical areas. 36 lots out of the 40 proposed lots are sized below the minimum 6,000 SF lot size of the SF-SL zone.

The proposal would create separate tracts for stormwater (Tract C, 24,867 SF), wetland protection (Tract A, 65,205 SF), tree protection (Tract E, 45,702), open space (Tract D, 4,716) and private access/utility tracts (Tract B, 2,720 SF and Tract F, 3,799 SF).

The site includes one wetland area (Wetland D) that is partially on-site; a four-acre Category 2 wetland of which approximately 31,644 SF is located along the westerly edge of the subject site. The buffers of 2 other off-site wetlands (Wetlands A, C) extend onto the subject site and the proposed road access off SE 48th St would encroach into the wetland buffers. A small Category 4 wetland (Wetland B, 906 SF) is also adjacent to the proposed road access. The proposal would not result in direct wetland impacts. Wetland buffers would be reduced and mitigated by wetland buffer averaging and enhancement.

There are presently 2 single family residences on the site which would be removed for the proposed subdivision.

The proposal would be accessed from a new public street constructed off SE 48th St, and a road connection to the south (232nd Ave SE) through the Issaquah 22 plat which is presently under construction.

PRELIMINARY PLAT REVIEW:

1. Subdivisions – Chapter 18.13

The proposal complies with the preliminary plat requirements of the Subdivision Chapter. A pre-application meeting (April 26, 2012) and neighborhood meeting (May 1, 2013) were held. The preliminary plat met the application submittal requirements. Under IMC 18.13.140, the Hearing Examiner shall conduct a public hearing prior to making a decision on a preliminary plat. After approval of a preliminary plat, the applicant may apply for construction permits to construct the roads, utilities and grading of the lots. A final plat review will follow after subdivision infrastructure has been installed or bonded for. Single family building permits may then be issued for individual lot construction.

2. Development and Design Standards – Chapter 18.07

District Standards Table 18.07.360 – Single Family Small Lot (SF-SL) Zone

Development Standard	Required	Proposed
Maximum density	7.26 lots per acre	4.5 lots per acre
Lot size	6,000 square feet minimum	Varies. Smaller lot sizes allowed with density credit calculation.
Lot width	No minimum	Most lots 42'/43'
Front yard setback	10 feet	Unknown at this time
Rear yard setback	20 feet	Unknown at this time
Side yard setback	6 feet	Unknown at this time
Maximum impervious area:	50% maximum	Unknown at this time
Minimum pervious area:	50% minimum	Unknown at this time
Building height:	30 feet	Unknown at this time

Residential Density

The site is zoned Single-Family Small Lot (SF-SL) which allows a maximum density of 7.26 dwelling units per acre. Critical areas, including wetlands and wetland buffer areas, on a site cannot be developed and receive only partial density credit which may be transferred to the developable area of the site. The gross site area is 8.87 acres. There are 1.60 acres of the site that is wetland or wetland buffer. This equates to 18% of the site area. The code allows 90% density credit when the 11-20% percent of a site is encumbered with critical area (IMC 18.10.450). The following formula is provided in the code to determine the allowed density on sites with critical areas:

Maximum Dwelling Units (DU) = Acres in Critical Areas/Buffers (1.60 Ac.) x Zoning Density (7.26 DU/Ac) x Density Credit of 90% (.90) = 10.45 DU + Acres outside critical areas/buffers (7.27 Ac) x Zoning Density (7.26 DU/Ac) = 52.8 DU = 63 total dwelling units.

The proposal for 40 lots has a gross density of 4.5 DU/Ac, well below the allowable maximum density which could yield 63 total dwelling units.

Minimum Lot Size

The SF-SL zone has a 6,000 SF minimum lot size. However, the code allows "lot sizes below the minimum required for that zone to accommodate the transfer of density" from critical areas, provided the maximum zoning density is not exceeded. The intent of this code provision is to provide incentives for preservation of critical areas, flexibility in design, and to achieve residential density consistent with the Comprehensive Plan. In the McBride preliminary plat, 36 lots out of 40 are sized below the minimum

6,000 SF lot size of the SF-SL zone. The tree retention tract (Tract E) is located adjacent to the Pine View and Aspen Meadows subdivisions and would buffer the McBride plat from the adjacent, existing development to the south and east. To address neighborhood character and compatibility with surrounding land uses, only detached single family residences are allowed and the residential structures must meet the zoning building setbacks and impervious surface limits on all the lots. This will be further reviewed with building permits. See Condition 2. The preliminary plat (Sheet 3 of 8) shows the building envelope on each lot, indicating homes could be on the lots and meet required building setbacks.

3. Non-motorized Facilities in Single Family Developments (18.07.081)

Road A includes sidewalks on both sides of the street providing for pedestrian facilities throughout the development and connections to SE 48th St to the north and 232nd Ave SE to the south (presently under construction for the Issaquah 22 subdivision). The code requires non-motorized off-road facilities in addition to sidewalks to link to adjacent developments, opens spaces, schools, or other activity centers and public facilities. The applicant has proposed 3 trails segments to meet this requirement and to provide amenities to the development and public:

- 1) Open space/Tree Retention Tract E – The applicant is proposing a trail through the open space/tree retention Tract E, intended for residents of the subdivision. The trail would be accessed off Road A and continue through the Tract to behind Lot 19. The trail is shown on the landscape plans (Sheet L-01).
- 2) SE 48th St trail connection – A secondary emergency access and utility easement is proposed offsite, connecting the north end of Road B to SE 48th St. This also serves as the driveway for an existing single-family residence to the north of the plat. The emergency access/utility easement could provide a connection to SE 48th St for non-motorized users. It could connect to the sidewalk on the west side of Road B and then to the trail access to the wetland trail on the south side of Lot 1. A public access easement shall be included for the emergency access drive to provide the public an off-street connection to SE 48th St. A public access easement shall also be provided for the trail corridor connection to the south of Lot 1. Signs should be provided to indicate public access. See Condition 3.

Improvement of the existing gravel drive as an emergency access and trail would increase pedestrian activity and this could result in trespassing, noise and other impacts on the adjacent property to the west. The applicant shall work with neighbors to the west of the emergency access road to provide screening and/or a physical barrier to address their concerns. See Condition 4.

- 3) Wetland trail – A 4-foot wide pervious surface trail is shown in the outer buffer of Wetland D. This trail would continue to the south, through the buffer of the wetland, into the Issaquah 22 subdivision. As other properties develop to the west, the trail would provide a continuous public trail around the 4-acre wetland. Trails are allowed in wetland buffers, provided mitigation ensures no loss of wetland buffer functions and values. The existing condition of the wetland buffer is pasture grass, so the trail would not impact existing buffer vegetation. The impact of the trail has been considered in the wetland buffer enhancement requirements during the SEPA review. The proposed trail would meet one of the values of wetland buffer areas; to provide for public access and enjoyment of natural areas. A wood split rail fence shall be provided on the wetland side of the trail, to control circulation and thwart human and pet encroachment into the wetland. See Condition 12.

4. Parking – Chapter 18.09

The code requires 2 parking spaces per single family residence. Per the applicant, each residence will have a 2-car garage to meet this standard. This will be reviewed with building permits. In addition, driveways would provide parking for 2 vehicles. Driveways should be a sufficient length if intended for parking. If adequate length is not provided then cars may overhang onto sidewalks impeding pedestrians. Therefore, driveways shall provide a length of at least 18 feet if intended for parking or shall be less than 8 feet in length to clearly indicate they are not designed to accommodate parking. See Condition 5. Road A includes a parking lane on one side of the road. This would provide 17 parallel parking stalls.

5. Landscaping and Tree Retention – Chapter 18.12

Subdivisions in the SF-SL zone are required to retain a minimum of 30% of the total caliper of existing significant trees outside of critical areas and buffers. Sheet 8 of 8, Tree Retention Plan, shows the locations, tree type and caliper of existing trees on the project site, and the trees to be removed and retained to satisfy the code requirement. The applicant proposes to save approximately 54% of the total existing tree caliper. The tree retention is proposed in a separate tract, Tract E (45,702 SF), and along the back of Lots 19-22. A separate tree retention tract provides better tree protection over the long-term and is preferred over showing the tree retention on individual building lots. The proposed tree retention meets code priorities in terms of saving trees in healthy tree groupings forming a continuous canopy and saving trees on slopes over 20%, and preserving native tree species. The preserved, upland trees would provide wildlife habitat value, particularly with close proximity to enhancement of nearby wetland buffers. The proposed retained trees would also screen the proposed development from adjacent, developed properties to the east and south and the tree retention on the back of Lots 19-22 would minimize the grading change to the adjacent lots.

A SEPA mitigation measures requires that trees proposed to be retained should be outside clearing/grading limits or will require protective fencing and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. This will be reviewed with site work construction permits.

The applicant has submitted landscape plans showing plantings in the common open space/landscape tracts (Tract D), the entry to the tree retention Tract E, landscape screening around the stormwater tract (Tract C), and street trees along Roads A and B. The plant selection and landscape details will be further reviewed with construction permits.

6. Environmental Protection – Chapter 18.10

Critical Areas Regulations:

The site contains one wetland area (Wetland D) that is partially on-site; a four-acre Category 2 wetland of which approximately 31,644 SF is located along the westerly edge of the subject site. The buffers of 2 other off-site wetlands (Wetlands A, C) extend onto the subject site and the proposed road access off SE 48th St would encroach into the wetland buffers. A small Category 4 wetland (Wetland B, 906 SF) is also adjacent to the proposed road access and would not be impacted.

The wetlands on and adjacent to the project site were peer reviewed by an independent biologist/consultant working for the City. The review included confirming the delineation of the wetland boundaries and a review of the wetland rating, which determines the required wetlands buffer widths.

The wetland and wetland buffer areas on the subject site have been managed and cleared of native vegetation and are currently dominated by grasses and emergent species, including soft rush, creeping buttercup, reed canarygrass, velvet grass, bluegrass and water foxtail. Existing wetland and wetland buffer functions are limited; providing low to moderate levels of hydrologic control and water quality functions and low levels of habitat functions.

The proposal would not result in direct wetland impacts. The proposal encroaches into the wetland buffers, reducing buffer widths up to a maximum of 25% of the standard wetland buffer width required per code. Proposed mitigation for the buffer reductions includes both buffer averaging (adding a replacement equal area to the area of buffer encroachment) and enhancement of the existing, degraded wetland buffer areas.

The proposal would have impacts on the wetlands/wetland buffers resulting from the wetland buffer reductions, temporary impacts due to clearing/grading within buffers, stormwater discharge into the off-site Wetlands B and A, a trail in the Wetland D buffer, fragmentation of existing connections between the wetlands, and indirect impacts of human/pet activity after completion of the development. Development would affect wetland functions by impacting existing processes related to water flows, and the inputs of sediments and nutrients. Current conditions and wetland functions are relatively low because the wetlands have been actively managed and are largely dominated by invasive plant species (reed canary grass) and pasture grasses.

The proposal includes wetland and wetland buffer enhancements to mitigate impacts and to improve existing conditions. The Buffer Mitigation Plan (Wetland Resources, dated July 5, 2013) details the buffer impacts and proposed mitigation/enhancement.

The SEPA review and determination required additional enhancement of the wetland and wetland buffer areas to address project impacts and the indirect, cumulative impacts of converting the site to a residential subdivision. The required enhancement would improve wetland/wetland buffer functions over existing conditions, and begin restoring the wetland/wetland buffer area to more natural scrub-shrub and forested conditions, establishing native vegetation communities that would improve wetland functions over the long term. See the SEPA mitigation measures at the end of the staff report for more specific information.

Environmental Review:

The City's SEPA Responsible Official reviewed the proposed subdivision and determined it would not have a probable significant adverse impact on the environment. The determination was made after review of a completed checklist and site plan. Accordingly, the City issued a Mitigated Determination of Non-Significance (MDNS) on August 28, 2013. A SEPA mitigation measure required the applicant to mitigate for project impacts to the level of service (LOS) for the southbound right turn lane movement on Issaquah Pine Lake Road at the intersection with Issaquah Fall City Road. The applicant submitted comments (McBride Preliminary Plat Mitigated Determination of Nonsignificance (MDNS) Comments, TENW, September 10, 2013), within the SEPA comment period, providing additional information and analysis. The City's transportation engineer and staff reviewed the comments and concur that the applicant's traffic impact fee would provide sufficient mitigation for project impacts. The applicant's traffic impact fee would go toward funding a City Transportation Improvement Plan (TIP) project, which would improve intersection operations including the southbound right turn movement. The traffic mitigation measure was removed and a revised SEPA determination was issued on September 25, 2013. There were no other changes to the proposal or to other SEPA findings or mitigation measures.

SEPA mitigation measures required to mitigate impacts of the proposal are listed as recommended project conditions in the back of this staff report. See Condition 1.

7. Transportation Concurrency Management – Chapter 18.15

The Traffic Concurrency Analysis (CH2MHill, December 10, 2012) concluded the proposal (44 single family homes were evaluated) would generate 47 PM peak hour trips. The traffic model and concurrency analysis included a distribution of project trips and a PM peak hour level of service (LOS) evaluation of study intersections impacted by 30 or more PM peak hour trips. The analysis identified 2 intersections that could be impacted based on project trip distribution: SE 48th St/Issaquah Pine Lake Road and Issaquah Fall City Road/Issaquah Pine Lake Road. The applicant prepared a Transportation Impact Study (TENW, April 29, 2013) to further evaluate project impacts to the 2 intersections identified in the concurrency analysis. The study used more recent traffic counts and an updated list of pipeline development to evaluate the LOS impacts at these intersections for the project buildout year 2016 with and without the project. The study concluded that the study intersections would operate at LOS D or better with or without the project in 2016 during both the AM and PM peak hours. The proposed plat would not increase the overall intersection delay by more than 5 seconds at either intersection, which is the threshold for impact mitigation in Issaquah Street Standards (October 2010, Ord. No. 2600).

The City's Transportation Improvement Plan (TIP) includes a project to widen the Issaquah Pine Lake Road to a 5-lane section from Issaquah Fall City Road up to SE 48th Street. This project would improve operations at the intersection, including the southbound right turn lane movement on Issaquah Pine Lake Road at the intersection with Issaquah Fall City Road. The applicant will pay traffic impact fees which will help to fund this TIP project. Therefore, the applicant's traffic impact fee payment would fully mitigate project impacts. A Traffic Concurrency Certification (CON12-00013) has been issued for the project proposal.

The traffic analyses assumed a traffic signal at the intersection of SE 48th St and Issaquah Pine Lake Road. This signal is expected to be constructed by the developer of Issaquah 22 by Spring 2014. A SEPA mitigation measure requires a new traffic analysis if the signal is not constructed, to evaluate the potential impacts without the traffic signal. The developer of Issaquah 22 will have a "latecomer's agreement" for the traffic signal, to be reimbursed by property owners/development benefitting from the improvement, and the applicant will be expected to pay a pro-rata share of the signal cost. This is consistent with the Transportation Concurrency Management Code, IMC 18.15. The latecomer's or reimbursement agreement would be administered by the City of Sammamish. The proposed traffic signal at SE 48th St and Issaquah-Pine Lake Road SE must be completed prior to final plat approval and if constructed by other benefitting parties the proportionate benefit shall be paid as reimbursement in accordance with the Reimbursement Agreement approved by the City of Sammamish. See Condition 6.

8. Site Access and Frontage Improvements

Access to the proposed subdivision would be provided by a new public street connecting to SE 48th St on the north and a road connection to the south (232nd Ave SE) through the Issaquah 22 plat. The entire SE 48th St right-of-way is within the City of Sammamish and the applicant would be required to construct frontage improvements for the portion of the plat which is adjacent to SE 48th St, consistent with City of Sammamish standards. The applicant has also agreed to provide additional off-site frontage improvements on SE 48th St, extending approximately 350 feet to the west of the preliminary plat. See Exhibit 11. Frontage improvements constructed within the SE 48th St right-of-way (ROW) must be approved and permitted through a ROW permit issued by the City of Sammamish. See Condition 7.

According to the Transportation Impact Study, per discussion with the Issaquah School District, a new school bus stop would be created at the McBride plat access on SE 48th St at the time of occupancy. Sidewalks along the internal roads of the plat would provide a safe walking route to SE 48th St.

The Transportation Impact Study included site access analysis, evaluating the McBride site access road onto SE 48th St. The analysis concluded the access would operate at LOS A with little or no delay during the peak hours in 2016. Entering and stopping site distance standards are met at the proposed site access location. The City of Sammamish engineer has concurred that the sight distance analysis meets Sammamish Public Works standards.

9. Street Standards – (October 2010, Ord. No. 2600)

Access to the proposed subdivision would be provided by a new public street connecting to SE 48th St on the north and a road connection to the south (232nd Ave SE) through the Issaquah 22 plat.

The main public street through the project 'Road A' is proposed with two 11-foot wide drive lanes, an 8-foot parking lane on one side of the street, and 5-foot wide planter strips and 5-foot wide sidewalks on both sides. This complies with City Street Standard T-11.

Road B is a public street which would access the lots on the west portion of the site. It would connect on the north to SE 48th St via an off-site emergency access, utility and trail easement. The road section is similar to Road A except it provides a planter strip and sidewalk only on the west side fronting Lots 1-8.

Tract F is proposed as a private access/utility easement serving Lots 9-13 and Tract B would serve Lots 14-17. The private access would be 20 feet wide. To provide fire access, no parking is allowed and the access drive shall be signed accordingly. See Condition 8.

10. Utilities

Water and sewer utilities will be provided by the Sammamish Plateau Water and Sewer District. The applicant has a Developer Extension Agreement (DEA) with the District (Sammamish Plateau Water and Sewer District letter, April 15, 2013). The District will review water and sewer plans with construction permits. The District has not indicated any issues with capacity of the water/sewer system or providing service to the proposed development.

The proposed roads and homes would generate increased stormwater runoff. The project site discharges to two different basins. The southwest basin is located within the Issaquah Creek subbasin, tributary to Lake Sammamish and the northeast basin is located within the Laughing Jacobs Creek subbasin, tributary to Lake Sammamish. Stormwater from most of the development would be detained in a stormwater facility in Tract C, and then discharged to the east into off-site Wetlands B and A. A portion of the southwest basin would flow through the detention pond constructed by the developer of the Issaquah 22 plat and treated in the Issaquah 22 water quality filter vault. A low impact development (LID) dispersion system would be used in the southwest basin to maintain pre-development hydrology flows to Wetland D. Both basins are subject to Level 2 Flow Control and require compliance with the Sensitive Lake Protection Menu. The project's stormwater facilities would meet the guidelines and requirements of the 2009 King County Surface Water Design Manual (2009 KCSWDM) as adopted by the City of Issaquah and the City of Issaquah Surface Water Design Manual Addendum 2011.

A regional stormwater pipe line is being constructed by the developer of Issaquah 22 Plat. The purpose is to prevent stormwater discharge off the plateau from impacting and eroding a steep slope natural drainage. A portion of the stormwater drainage from the southwest basin of the McBride Plat will be tributary to this facility. The developer of the McBride plat shall pay a

proportionate share based upon benefit in accordance with the approved "Late-comers" agreement prepared per City of Issaquah Code. See Condition 9.

A stormwater mitigation project will be constructed by the City of Issaquah to alleviate flooding. A portion of the drainage of the McBride Plat will be tributary to and benefit from this project. The developer of the McBride plat shall pay a proportionate share based upon benefit in accordance with the analysis prepared by the City of Issaquah. See Condition 10.

11. Washington State Subdivision Law

RCW 58.17.110 states:

Approval or disapproval of subdivision and dedication — Factors to be considered — Conditions for approval — Finding — Release from damages.

(1) The city, town, or county legislative body shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall determine:
(a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that: (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property. The legislative body shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

(3) If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city, town, or county legislative body must adopt the designated name.

The proposed preliminary plat meets the "factors to be considered" and requirements of RCW 58.17.110. The plat includes appropriate provisions for utilities (potable water supplies, sanitary wastes, sanitary wastes), streets, open spaces, and drainageways. Impact fees will be required with building permits for parks and recreation, and schools. Sidewalks internal to the plat would provide safe walking routes to school buses on SE 48th St. Appropriate provisions are made for the public health, safety and general welfare and the public use and interest will be served by the platting and dedication.

12. Impact Fees

Impact fees are required for each new single family residence. The applicant would receive credit for the 2 existing single family residences on the subject property. The following impact fees will be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA). See Condition 11.

CONCLUSIONS:

The proposed Preliminary Plat is consistent with the Issaquah Comprehensive Plan, Issaquah Land Use Code, and other applicable development regulations. The proposals meet the approval criteria of the Subdivision Code, IMC 18.13, and Washington State Subdivision Code, RCW 58.17.110. The project as reviewed above and conditioned below provides appropriate provisions for the public health, safety, and general welfare.

ADMINISTRATION'S RECOMMENDATION:

The City of Issaquah Administration recommends Approval of the McBride Preliminary Plat, PP13-00001, subject to the following conditions:

1. The applicant shall comply with the Mitigated Determination of Nonsignificance, dated September 25, 2013, as follows:
 - 1) Final wetland/wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.

The Buffer Mitigation Plan (Wetland Resources, dated July 5, 2013) details project buffer impacts and proposed mitigation/enhancement. In addition to the measures proposed on the Buffer Mitigation Plan, the following enhancement is required:

Wetland D:

- 1) The added buffer area (3,300 SF), adjacent to Lot 8 shall be enhanced with native plants.
- 2) The outer wetland buffer, adjacent to Lots 1-8, shall be enhanced with a minimum planting width of 30 feet to mitigate for the buffer area disturbed by grading, to screen the developed lots and to provide a soft barrier to human/pet intrusions into the wetland/wetland buffer area.
- 3) A minimum 40-foot wide planting swathe along the outer edge of Wetland D and the inner edge of the wetland buffer shall be planted with native tree and shrub species to improve wetland and wetland buffer functions over existing conditions; to establish tree and shrub cover to shade out and compete with invasive reed canary grass which dominates the on-site wetland area. This mitigates for impacts of reducing the buffer width through buffer averaging, the construction of a 4-foot wide trail in the buffer, and the indirect impacts of the development.

Wetland A:

- 1) Stormwater discharge would increase flow volumes and velocity and alter the hydroperiod, the duration and depth of ponding in the wetland. Planting a minimum of 2,000 SF of the outer edge of Wetland A, adjacent to the location of stormwater discharge, would slow flow velocity, improve water quality functions and plant uptake of the project stormwater.
 - 2) The applicant shall provide an as-built plan of the wetland/wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per plan prior to final plat approval.
 - 3) A 5-year monitoring/maintenance period is required. The applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to final plat approval.
 - 4) The applicant shall prepare a wetland hydrology analysis to demonstrate pre-development hydrology to Wetland D would be maintained. Stormwater recharging the wetland shall be treated for water quality or come from non-pollution generating surfaces. This shall be approved by the City prior to issuing construction permits.
 - 5) Trees proposed to be retained shall be outside clearing/grading limits or will require protective fencing, and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. Tree protection measures will be reviewed with construction plans and shall be installed prior to clearing/grading activity.
 - 6) The traffic analyses assumed a traffic signal at the intersection of SE 48th St and Issaquah Pine Lake Road. This signal is expected to be constructed by the developer of Issaquah 22 by Spring 2014. If the signal is not constructed, a new traffic analysis would be required to evaluate traffic impacts without the traffic signal and mitigation may be required for project traffic impacts.
 - 7) The applicant should mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. Applicant objections to the voluntary payment should be made during the SEPA comment period. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.
2. To address neighborhood character and compatibility with surrounding land uses on the reduced sized lots, residential structures shall meet the zoning building setbacks and impervious surface limits on all the lots. This will be reviewed with building permits.
 3. Public access easements to the City shall be provided for trail connections; including for the off-site emergency access drive between SE 48th St and the north boundary of Road B, and for the trail corridor connection to the south of Lot 1. Wayfinding signs shall be provided to indicate public trail access.
 4. Improvement of the existing gravel drive as an emergency access and trail would increase pedestrian activity and this could result in trespassing, noise and other impacts on the adjacent property to the west. The applicant shall work with neighbors to the west of the emergency access road to provide screening and/or a physical barrier to address their concerns.
 5. Driveways should be a sufficient length if intended for parking. If adequate length is not provided then cars may overhang onto sidewalks impeding pedestrians. Therefore, driveways shall provide a length of at least 18 feet if intended for parking or shall be less than 8 feet in length to clearly indicate they are not designed to accommodate parking. This will be reviewed with building permits.

6. The proposed traffic signal at SE 48th St and Issaquah-Pine Lake Road SE must be completed prior to final plat approval and if constructed by other benefitting parties the proportionate benefit shall be paid as reimbursement in accordance with the Reimbursement Agreement approved by the City of Sammamish.
7. Frontage improvements constructed within the SE 48th St right-of-way (ROW), including off-site frontage improvements proposed by the applicant, must be approved and permitted through a ROW permit issued by the City of Sammamish.
8. Tract B and Tract F are private access/utility easements. To ensure fire access, no parking is allowed and the access drives shall be signed as fire lanes.
9. A regional stormwater pipe line is being constructed by the developer of Issaquah 22 Plat. The purpose is to prevent stormwater discharge off the plateau from impacting and eroding a steep slope natural drainage. A portion of the stormwater drainage from the southwest basin of the McBride Plat will be tributary to this facility. The developer of the McBride plat shall pay a proportionate share based upon benefit in accordance with the approved "Late-comers" agreement prepared per City of Issaquah Code.
10. A stormwater mitigation project will be constructed by the City of Issaquah to alleviate flooding. A portion of the drainage of the McBride Plat will be tributary to and benefit from this project. The developer of the McBride plat shall pay a proportionate share based upon benefit in accordance with the analysis prepared by the City of Issaquah.
11. Impact fees are required for each new single family residence. The applicant would receive credit for the 2 existing single family residences on the subject property. The following impact fees will be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA).
12. A wood split rail fence shall be provided on the wetland side of the trail around Wetland D, to control circulation and thwart human and pet encroachment into the wetland.
13. The following critical area regulation conditions shall apply:
 - 1) Permanent survey stakes shall be set to delineate the boundaries between critical area tracts and adjoining properties.
 - 2) Signs between critical area tracts and adjacent properties shall be installed, explaining the type and value of the critical area.
 - 3) The final plat shall include language to protect the critical area tract (Tract A) and the tree retention tract (Tract E) from development in perpetuity.

EXHIBIT LIST:

1. Preliminary Plat application, PP13-00001, including property legal description, Affidavit of Agent Authority/Ownership, etc.; received 3/13/2013
2. Vicinity map
3. Project narrative
4. Preliminary Plat Plans – Sheets 1-8, received 3/13/2013, revised plans received 7/18/2013
5. Landscape Plans – Sheets 1-3, dated 7/15/2013
6. Critical Area Study and Buffer Mitigation Plan, received 3/13/2013, revised 7/5/2013
7. Preliminary Geotechnical Engineering Report, received 3/13/2013
8. Preliminary Technical Information Report, received 3/13/2013
9. Transportation Impact Study, dated 4/29/2013
10. Certificate of Transportation Concurrence, CON12-00013
11. Voluntary Off-site SE 48th St Frontage Improvement Letter

12. Affidavits of Public Notice
13. Public comments
14. River & Streams Board meeting (5/21/2013) minutes
15. Environmental Checklist, received 3/13/2013
16. SEPA Determination issued 8/28/2013, re-issued 9/25/2013